

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Not yet assigned  
Group : Not yet assigned  
Applicants : J. Kossmann et al.  
Application No. : Not yet assigned  
Filed : Concurrently herewith  
For : DNA SEQUENCES CODING FOR ENZYMES  
CAPABLE OF FACILITATING THE  
SYNTHESIS OF LINEAR  $\alpha$ -1,4  
GLUCANS IN PLANTS, FUNGI AND  
MICROORGANISMS



New York, New York  
April 26, 2001

Hon. Commissioner for Patents  
Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. §§ 1.56 AND 1.97

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b),  
applicants make of record the following documents:\*

WO 89/12386, published 12/28/89;

WO 90/02484, published 3/22/90;

WO 92/11375, published 7/9/92;

WO 92/14827, published 9/3/92;

German application DE-4227061-A1, published 2/17/94;

German patent DE-4420223-C1, published 5/4/95;

---

\* A completed Form PTO-1449 listing these documents is  
attached hereto.

Abel, G.J.W., "Untersuchungen zur Funktion von Stärke-Synthasen in der Kartoffel (*Solanum tuberosum* L.)," PhD Thesis, Freie Universität Berlin, Germany (defended on November 3, 1995).

G. Okada et al., "New Studies on Amylosucrase, a Bacterial  $\alpha$ -D-Glucosylase That Directly Converts Sucrose to a Glycogen-like  $\alpha$ -Glucan," Journal of Biological Chemistry **249**:126-135 (1974);

C. R. MacKenzie et al., "Glycogen Synthesis by Amylosucrase From *Neisseria perflava*," Canadian Journal of Microbiology **23**:1303-1307 (1977);

C. R. MacKenzie et al., "Glycogen Metabolism in the Genus *Neisseria*: Synthesis From Sucrose by Amylosucrase," Canadian Journal of Microbiology **24**:357-362 (1978);

B. Y. Tao et al., "*Neisseria perflava* Amylosucrase: Characterization of Its Product Polysaccharide And a Study of Its Inhibition by Sucrose Derivatives," Carbohydrate Research **181**:163-174 (1988);

F. R. van der Leij et al., "Expression of The Gene Encoding Granule Bound Starch Synthase After Introduction in an Amylose-Free And a Wildtype Potato (*Solanum Tuberosum*)," Abstract VIIth International Congress on Plant Tissue and Cell Culture, A5-28, June 24 - June 29, 1990;

M. J. M. Ebskamp et al., "Accumulation of Fructose Polymers in Transgenic Tobacco", Biotechnology **12**:272-275 (1994); and

I. M. van der Meer et al., "Fructan as a New Carbohydrate Sink in Transgenic Potato Plants," The Plant Cell **6**:561-570 (1994).

Napoli et al., The Plant Cell **2**:278-289 (1989).

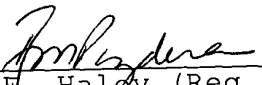
Copies of all documents except for Napoli et al. were previously submitted by applicants in parent U.S. Application No. 08/737,752 ("the parent application"). Napoli et al. was cited by the Examiner during prosecution of the parent application. Pursuant to 37 C.F.R. § 1.98(d), applicants have not enclosed copies of the documents herewith.

However, applicants stand ready to provide copies at the Examiner's request.

A copy of the International Search Report listing German applications nos. DE-4227061-A1 and DE-4420223-C1 is enclosed. Applicants stand ready to provide English translations of the German applications at the request of the Examiner.

Applicants request that the cited documents be (1) fully considered by the Examiner during the course of examination of this application, and (2) printed on any patent issuing from this application. As applicants are submitting this statement concurrently with the filing of the application, applicants believe that no fee is required [37 C.F.R. § 1.97].

Respectfully submitted,

  
\_\_\_\_\_  
Jim H. Haley (Reg. No. 27,794)  
Attorney for Applicants  
Elinor K. Shin (Reg. No. 43,117)  
R. Minako Pazdera (Reg. No. 46,984)  
Agents for Applicants  
c/o Fish & Neave (Customer No. 1473)  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel.: (212) 596-9000  
Fax.: (212) 596-9090